

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

JAVIER GONZALEZ-PEREZ,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil No. 16-3046 (ADC)
(Related Crim. No. 15-162-2 (ADC))

ORDER

Petitioner's claim about the ineffectiveness of his trial counsel for failing to file a Notice of Appeal is facially plausible, and seems to be supported by at least some evidence and allegations in the record. *See United States v. González-Vázquez*, 219 F.3d 37, 42 (1st Cir. 2000). In its response, the government concedes that, although "self-serving," petitioner's arguments of ineffective assistance for failing to file a Notice of Appeal "raises a question of fact which, if true, runs afoul of *Flores-Ortega*." ECF No. 3 at 6 (citation omitted).

For these reasons, the Court finds that this is one of the "rare section 2255 cases in which the appointment of counsel is warranted." *United States v. Mala*, 7 F.3d 1058, 1064 (1st Cir. 1993); *see* 18 U.S.C. §3006(a)(2)(B)(allowing the appointment of counsel in section 2255 cases if "the interest of justice so require").

Accordingly, attorney Laura Maldonado is appointed as petitioner's counsel.

SO ORDERED.

At San Juan, Puerto Rico, on this 23rd day of January 2020.

S/AIDA M. DELGADO-COLÓN
United States District Judge